

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1472

Introduced by Assembly Member Goldberg

February 21, 2003

An act to amend Sections 37220 and 45203 of the Education Code, and to amend Section 12283 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1472, as amended, Goldberg. Public schools and election days.

Under existing law, if local elections officials so request, the governing boards of public schools must allow schools to be used for polling places on election days.

This bill would require public schools to be closed on election days, and their facilities, including computer systems, to be available to local elections officials. ~~Schools would be open an extra day at the end of the school year to compensate for election day.~~

The bill would further provide that public school employees would not be paid for election days, and would instead be required to work an extra day at the end of the school year.

Because this bill requires public schools to be closed on election days and to be made available for use as polling places, it results in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 37220 of the Education Code is
2 amended to read:
3 37220. (a) Except as otherwise provided, the public schools
4 shall close on the following days:
5 (1) January 1.
6 (2) The third Monday in January or Monday or Friday in the
7 week in which January 15 occurs, known as “Dr. Martin Luther
8 King, Jr. Day.” On the Friday preceding which day the schools are
9 closed, schools shall include exercises commemorating and
10 directing attention to the history of the civil rights movement in the
11 United States and particularly the role therein of Dr. Martin Luther
12 King, Jr.
13 (3) The Monday or Friday of the week in which February 12
14 occurs, known as “Lincoln Day.” On the day that school is in
15 session prior to the day on which schools are closed for that
16 purpose, all public schools and educational institutions throughout
17 the state shall hold exercises in memory of Abraham Lincoln.
18 (4) The third Monday in February, known as “Washington
19 Day.” On the Friday preceding, all public schools and educational
20 institutions throughout the state shall hold exercises in memory of
21 George Washington.
22 (5) The last Monday in May, known as “Memorial Day.”
23 (6) July 4.
24 (7) The first Monday in September, known as “Labor Day.”
25 (8) November 11, known as “Veterans Day.”
26 (9) That Thursday in November proclaimed by the President as
27 “Thanksgiving Day.”
28 (10) December 25.



(11) All days appointed by the Governor for a public fast, thanksgiving, or holiday, and all special or limited holidays on which the Governor provides that the schools shall close.

(12) All days appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(13) All *regular* election days, as established by ~~Division 4 (commencing with Section 1000)~~ *Section 1001* of the Elections Code, ~~to be replaced by a workday added to the end of the school year.~~

(14) Any other day designated as a holiday by the governing board of the school district.

(b) When any of the holidays on which the schools would be closed falls on Sunday, the public schools shall close on the Monday following.

(c) When any of the holidays on which the schools would be closed falls on Saturday, the public schools shall close on the preceding Friday, and that Friday shall be declared a state holiday.

(d) If any holiday on which the public schools are required to close pursuant to subdivision (a) occurs under federal law on a date different from the date specified in subdivision (a), the governing board of any school district may close the public schools of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).

(e) Except for Veterans Day, as designated in paragraph (8) of subdivision (a), the governing board of a school district, by adoption of a resolution, may revise the date upon which the schools of the district close in observance of any of the holidays identified in subdivision (a).

(f) The governing board of a school district may not request a waiver of paragraph (8) of subdivision (a) from the State Board of Education.

SEC. 2. Section 45203 of the Education Code is amended to read:

45203. (a) All probationary or permanent employees that are a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first

1 Monday in September known as “Labor Day,” November 11
2 known as “Veterans Day,” that Thursday in November
3 proclaimed by the President as “Thanksgiving Day,” December
4 25, every day appointed by the President, or the Governor of this
5 state, as provided for in subdivisions (b) and (c) of Section 37220
6 for a public fast, thanksgiving or holiday, or any day declared a
7 holiday under Section 1318 or 37222 for classified or certificated
8 employees. School recesses during the Christmas, Easter, and
9 mid-February periods shall not be considered holidays for
10 classified employees who are normally required to work during
11 that period, *and an election day may not be considered a holiday*
12 *for classified employees whose days of work are determined*
13 *without reference to whether school is in session on those days.*
14 However, this shall not be construed as affecting vacation rights
15 specified in this section.

16 Regular employees of the district who are not normally assigned
17 to duty during the school holidays of December 25 and January 1
18 shall be paid for those two holidays provided that they were in a
19 paid status during any portion of the working day of their normal
20 assignment immediately preceding or succeeding the holiday
21 period.

22 When a holiday listed in this section falls on a Sunday, the
23 following Monday shall be deemed to be the holiday in lieu of the
24 day observed. When a holiday listed in this section falls on a
25 Saturday, the preceding Friday shall be deemed to be the holiday
26 in lieu of the day observed. When a classified employee is required
27 to work on any of these holidays, he or she shall be paid
28 compensation, or given compensating time off, for ~~such~~ *the* work,
29 in addition to the regular pay received for the holiday, at the rate
30 of time and one-half the employee’s regular rate of pay.

31 ~~Except as provided in subdivision (b), the~~ *The* provisions of
32 Article 3 (commencing with Section 37220) of Chapter 2 of Part
33 22 shall not be construed to in any way limit the provisions of this
34 section, nor shall anything in this section be construed to prohibit
35 the governing board from adopting separate work schedules for
36 the certificated and the classified services, or from providing
37 holiday pay for employees who have not been in paid status on the
38 days specified herein. Notwithstanding the adoption of separate
39 work schedules for the certificated and the classified services, on
40 any schoolday during which pupils would otherwise have been in

attendance but are not and for which certificated personnel receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

~~(b) Notwithstanding subdivision (a), probationary or permanent employees that are a part of the classified service shall not be entitled to a paid holiday on an election day, and shall instead be required to work the day added to the end of the school year. This subdivision shall not apply to any employees whose employment is subject to a collective bargaining agreement in effect prior to the effective date of this section, unless the agreement so provides. This subdivision shall apply to those employees once that collective bargaining agreement has expired.~~

~~(c)~~

(b) In addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 31 known as “Cesar Chavez Day,” and a paid holiday on the fourth Friday in September known as “Native American Day,” provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday, if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the paid holiday.

~~(d)~~

(c) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

SEC. 3. Section 12283 of the Elections Code is amended to read:

12283. (a) The governing body having jurisdiction over school buildings or other public buildings may authorize the use of its buildings for polling places on any election day, and may also authorize the use of its buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building for polling places on an election day, the governing body having jurisdiction over the particular school building shall allow its use for the purpose requested. Public schools shall be closed for election days established by Division 4 (commencing with Section 1000). *Section 1001.*

1 (b) Once a governing body has approved the use of a school
2 building as a polling place, the governing body shall instruct the
3 school administrator to provide the elections official a site with an
4 adequate amount of space that will allow the precinct board to
5 perform its duties in a manner that will not impede, interfere, or
6 interrupt the normal process of voting and to make computer
7 systems available for use by local elections officials, if ~~necessary~~
8 *requested by those officials*.

9 (c) The school administrator shall also make a reasonable effort
10 to ensure that the site is accessible to the handicapped.

11 SEC. 4. No reimbursement shall be made from the State
12 Mandates Claims Fund pursuant to Part 7 (commencing with
13 Section 17500) of Division 4 of Title 2 of the Government Code
14 for costs mandated by the state pursuant to this act. It is recognized,
15 however, that a local agency or school district may pursue any
16 remedies to obtain reimbursement available to it under Part 7
17 (commencing with Section 17500) and any other provisions of
18 law.

